

REMARKS

I. Introduction

Applicant files these amendments in response to the Office Action of July 7, 2006. In the Office Action, claims 50, 52, and 62-64 were rejected under 35 U.S.C. §102(b) as being anticipated by Narawa JP 10-95481 (“Narawa”). Additionally, claims 51, 73-74, 78, 80-84, and 86-90 were rejected under 35 U.S.C. §103(a) as being unpatentable over Narawa. Further, claims 76, 79, 85, and 91 were rejected under §103(a) as being unpatentable over Narawa in view of Kuske U.S. Patent No. 6,318,555 (“Kuske”).

After the amendments herein, claims 50-52, 62, 73, 74, 78, 80, 81, 86, and 87 are presented for examination. Of these claims, claims 50, 51, 73, 74, 78, 80, and 86 are independent. Claims 1-49, 53-61, 63-72, 75-77, 79, 82-85, and 88-91 are canceled.

Moreover, the independent claims can be categorized into three groups based on the points of patentability set forth below. These groups include: Group I comprising independent claims 50 and 73 drawn to folds that reduce the length and width of the diaper by at least 50%; Group II comprising independent claims 51, 74, and 78 drawn to the 10cm limitations; and Group III comprising independent claims 80 and 86 drawn to the compressed height limitation. Each grouping of claims is treated separately below.

In accordance with 37 CFR § 1.121(f), Applicant submits that no new matter is added by any of the amendments made herein.

II. Applicant maintains its argument that Narawa fails to disclose or suggest vacuum-packing of a diaper; however, Applicant believes the issue to be moot in view of Corlett.

As a general matter and in regard to all pending claims in the present application, Applicant maintains the stated position that Narawa fails to disclose, either implicitly or explicitly, vacuum-packing of a diaper and, further, that Narawa fails to suggest vacuum-packing of a diaper. However, Applicant believes that U.S. Patent Publication No. 2006/0179794 to Corlett, as well as the related patent applications to Corlett, each discloses vacuum-packing of a single diaper and, because these applications are believed to be applicable references to the

present application, any issue regarding such disclosure of vacuum-packing in Narawa is deemed moot by Applicant. Nonetheless, any issue regarding the disclosure of such vacuum-packing in Narawa will be continued, if necessary, by Applicant in one or more of the applications to Corlett, which patent family now is commonly assigned to Applicant.

III. The §102(b) rejection of independent claim 50 and the §103(a) rejection of independent claim 73 should be withdrawn because Narawa fails to disclose or to suggest lengthwise folding that reduces the width of the diaper by at least 50% as now recited in each of these independent claims.

Each of amended claims 50 and 73 recites that the diaper disposed within the interior space of the sealed substantially air impermeable encasement includes a configuration that is different from a nominal configuration “by at least one lengthwise fold in said diaper, said at least one lengthwise fold reducing a width of said diaper by at least 1/2.” Applicant submits that any lengthwise folding typically performed for conventional packaging of a diaper is not included in the lengthwise folding described in claims 50 and 73. Rather, the lengthwise folding recited in claims 50 and 73 results in the reduction of the width of the diaper by at least 50%. This required lengthwise folding substantially reduces the width of the packaged diaper and differentiates the packaged diaper of claims 50 and 73 over any disclosed packaged diapers.

In particular, Applicant submits that Narawa fails to disclose or suggest this feature of independent claims 50 and 73 as amended. In contrast, Narawa discloses a packaged diaper, wherein the diaper may be folded to fit within the packaging. As indicated by the Office Action, Figures 5, 7, and 8 of Narawa teach lengthwise folding of a diaper. In Figure 5, the so-called underwear type diaper is shown with two nonabsorptive side panels folded inwardly toward the inside of the diaper to create a generally rectangular shaped structure for packaging. Such folding is conventionally used to package the so-called underwear type diaper. However, such folding does not reduce the width of the diaper in comparison to the width of a diaper in a nominal configuration by at least 1/2 as is required by claims 50 and 73.

Figures 7 and 8 illustrate folding of a so-called liner type diaper, wherein side flap parts are folded inwardly toward the top sheet side. As with the lengthwise folding of the so-called underwear type diaper, which is described above, such folding of the side flap parts for

packaging is conventionally used for packaging of the so-called liner type diaper. Such folding, however, does not reduce the width of the diaper in comparison to the width of a diaper in a nominal configuration by at least 1/2 as is required by claims 50 and 73.

Any lengthwise folding disclosed in Narawa is merely conventional lengthwise folding presently utilized for traditional packaging purposes. In contrast, the lengthwise folding recited in claims 50 and 73 is novel and is utilized to reduce the width of the packaged diaper by at least 1/2. Applicant submits that Narawa neither discloses or suggests such novel lengthwise folding in the packaged diaper of claims 50 and 73. As such, Applicant respectfully requests that the rejection of these claims be withdrawn.

IV. The §103(a) rejection of independent claims 51, 74, and 78 should be withdrawn because Narawa fails to disclose or to suggest a compressed diaper having three dimensions wherein the sum of two of the three dimensions is less than 10 cm with no single dimension of the three dimensions exceeding 10 cm.

Independent claims 51, 74, and 78 each recite a packaged diaper having three dimensions—a width, a length and a height—wherein the sum of two of the three dimensions is less than 10 cm with no single dimension of the three dimensions exceeding 10 cm. Such recitation discloses a complex, formulistic relationship between the three dimensions of the packaged diaper that insures that the diaper may be easily carried in a pocket.

Narawa discloses packaging a single diaper so that it may be conveniently carried. Narawa also discloses folding the diaper prior to placing it within the packaging to make carrying convenient. However, such disclosure in no way discloses or suggests the complex, formulistic relationship between the three dimensions of the packaged diaper as recited in each of claims 51, 74, and 78. Nowhere in Narawa is it suggested that none of the three dimensions exceed 10 cm. Nowhere in Narawa is it suggested that the sum of two of the dimensions must be less than 10 cm. And nowhere in Narawa, or any cited reference, is a disclosure found in which simple trial and error to discover optimum values would lead to the complex, formulistic relationship between the three dimensions of the packaged diaper recited in each of claims 51, 74, and 78.

Accordingly, Applicant submits that the packaged diaper of claims 51, 74, and 78 are not rendered obvious by Narawa. As such, Applicant respectfully requests that the rejection of these claims be withdrawn.

V. The § 103(a) rejection of independent claims 80 and 86 should be withdrawn because Narawa fails to disclose or to suggest a packaged diaper wherein the compressed height of the diaper in its compressed state is approximately the same as the nominal height of the diaper in its nominal configuration.

Independent claims 80 and 86 each recite a packaged diaper in an interior space of a sealed substantially air impermeable encasement that includes a configuration that is different from a nominal configuration by at least one lengthwise fold and at least one crosswise fold in the diaper. In addition, the diaper has “a foldedly reduced length and width each of which is less than or equal to 1/2 of the nominal length and width, respectively, of said diaper.” Further, the diaper, in a compressed state, has three dimensions comprising a compressed width, compressed length, and compressed height “with the compressed height of the diaper in its compressed state being approximately the same as the nominal height of the diaper in its nominal configuration.”

Paragraph 61 of the present application provides an example of a packaged diaper as described in claims 80 and 86. As the example indicates, a diaper that had a nominal configuration of 9 inches long by 4 ½ inches wide by 1 inch in height (after full expansion) was reduced to a compressed configuration of approximately 3 ½ inches long by 2 ¼ inches wide by 1 inch in height. As the example shows, the folding of the diaper to reduce the width and the length of the diaper by less than or equal to 50% of its nominal width and length, which necessarily increases the thickness of the diaper, still did not adversely affect the resulting thickness of the diaper after packaging. Rather, the thickness of the packaged diaper in the example, after folding and compressing, was the same as the thickness of the diaper in the nominal configuration.

As indicated above, Narawa discloses packaging a single diaper so that it may be carried individually and also discloses folding the diaper prior to placing it within the packaging to make carrying convenient. However, nothing in Narawa, or any other reference of record, discloses or suggests achieving a compressed height that is equal to the nominal height even when there is at

least 50% reduction in both the nominal length and the nominal width of a diaper through folding.

Accordingly, Applicant submits that no reference of record discloses or renders obvious the packaged diaper of claims 80 and 86. As such, Applicant respectfully requests that the rejection of these claims be withdrawn.

VI. The dependent claims are allowable.

Applicant submits that the dependent claims are allowable as depending from an allowable independent claim. Applicant nevertheless respectfully submits that each of the dependent claims is further allowable based on the additional recitation found in such dependent claim, and Applicant requests consideration thereof as necessary. Applicant further does not acquiesce in the rejections of these dependent claims, but in the interests of brevity, Applicant does not *per se* address each such rejection herein.

VII. Conclusion

In order to facilitate prosecution, it is respectfully requested that the Examiner contact the undersigned if any further action is deemed necessary by the Examiner in order to gain allowance of the present application, and if such further action may be accomplished through an Examiner's amendment or otherwise.

Respectfully submitted,
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